

DECLARATION OF JENNIFER VISE IN SUPPORT OF A PETITION TO  
WITHDRAW THE HOLDING OF ABANDONMENT BASED ON  
FAILURE TO RECEIVE AN OFFICE ACTION

I, Jennifer Vise, who reside in Windsor, Co 80550, hereby declare as follows:

1. I am currently the Legal Program Specialist for the Agilent Technologies Inc. Legal Department. I have held this position since September 11, 2006.
2. My responsibilities include maintaining a corporate mail log of formal papers received from the Patent and Trademark Office addressed to the Agilent Technologies Inc., Intellectual Property Administration.
3. Our procedure for handling formal papers received from the Patent and Trademark Office is as follows:
  - (a) Mail received from the U.S. Patent and Trademark Office is opened and date stamped to reflect the date received.
  - (b) The actions are then docketed in our patent database.
  - (c) The formal papers are entered into a mail log in our patent database, identifying each of the formal papers by the type of action, date of mailing from the Patent and Trademark Office, date of receipt by the Agilent, serial number of the patent application, internal docket number, and initials of the responsible Agilent attorney.
  - (d) The original formal papers are sent to the Agilent attorney responsible for the corresponding patent application via Express Mail or Federal Express.
4. A copy of the Agilent Legal Department mail log reflecting Mailed Date Period between March 21, 2005 and September 21, 2005 is attached.
5. If an Office Action were received from the U.S. Patent and Trademark Office for patent application serial number 09/846138, Agilent's attorney docket number 10992825-1, this Office Action would have been logged in the mail log and the Office Action put into a file docket. This Office Action does not appear in the attached mail log nor found in the file docket.
6. It is my belief that the Office Action for patent application serial number 09/846138, Agilent attorneys docket number 10992825-1, was not received by Agilent Technologies Inc., Intellectual Property Administration.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By Jennifer Vise  
Jennifer Vise  
Legal Program Specialist  
Agilent Technologies Inc.  
Legal Department, Intellectual Property Administration  
Date 26 April 2007